

**REMARKS**

By the foregoing Amendment, Claims 14, 16-28 and 49-75 are amended and Claims 1-8, 11-13, 29-35, 38-44, 47 and 48 are cancelled. Entry of the Amendment, and favorable consideration thereof, is earnestly requested. Claims 9, 10, 15, 36, 37, 45 and 46 having been previously cancelled, Claims 14, 16-28 and 49-75 are currently pending.

All Claims stand rejected either under 35 U.S.C. 102(e) as being anticipated by, or under 35 U.S.C. 103(a) as being unpatentable primarily in view of, Mault et al. (U.S. Patent No. 6,513,532) which incorporates by reference Mault (U.S. Patent No. 6,478,736). Applicant respectfully asks the Examiner to reconsider these rejections in view of the above Amendments and the below Remarks.

Applicant thanks the Examiner for his time and courtesy extended during the various telephone interviews which have occurred during the past several weeks. Many of the above Amendments are the result of these interviews.

In an effort to advance prosecution of the claims with respect to which progress was made during the interviews, Applicant has cancelled independent Claims 1, 29 and 41, with respect to which no significant progress could be made. Claims 2-8, 11-13, 30-35, 38-40, 42-44, 47 and 48, which depend either directly or

indirectly therefrom have also been cancelled. Applicant reserves the right to pursue these cancelled claims through a continuation application.

Independent Claims 14 and 49 have been amended in accordance with the discussions with the Examiner. Specifically, these claims have been amended to recite a computer system, rather than a method which could be performed by a dietician or the like without employing a computer system. Further, Claims 14 and 49 have been amended to highlight the fact that the computer system presents both meal plan options (i.e., the structured meal plan schedule and the non-structured meal plan schedule) to the user, that the computer system provides the user a mechanism by which the user selects between the two options presented to the user (i.e., the structured meal plan schedule and the non-structured meal plan schedule), that the computer system receives the user's selection of one of the two options, and then that the computer system modifies an initial plan based upon which of the two options the user selected.

As recognized by the Examiner during the interviews, none of the cited prior art discloses, teaches or suggests these limitations. Therefore, unless further searching by the Examiner uncovers any more pertinent references, Applicant respectfully submits that Claims 14 and 49, as well as all claims that depend

directly or indirectly therefrom (i.e., Claims 16-28 and 50-61) are in condition for allowance.

Also as discussed during the interviews, Claim 62 has been amended to recite a computer system rather than a method that could be performed by hand. Claim 62 has further been amended to require a database on which is stored a plurality of meal plan types, each of which has associated therewith a percentage of at least one of carbohydrates, protein, fat, and fruits and vegetables that a user is prescribed to eat. Claim 62 has also been amended to more specifically highlight the fact that the computer system provides the participant with a plurality of options for meal plan types, that the computer system receives an indication from the participant of the meal plan type option selected by the user, that the computer system retrieves from the database the associated percentage of the mean plan type selected by the participant, and that the computer system generates a meal plan schedule based at least in part upon the associated percentage of the participant selected meal plan type retrieved from the database.

As discussed during the interviews, Applicant respectfully submits that none of the cited prior art discloses, teaches or suggests these limitations. Therefore, unless further searching by the Examiner uncovers any more pertinent references,

Applicant respectfully submits that Claim 62, as well as all claims that depend directly or indirectly therefrom (i.e., Claims 63-75) are in condition for allowance.

In order to expedite prosecution, Applicant invites the Examiner to telephone the undersigned should the Examiner believe that further amendment is necessary in order to distinguish the prior art.

For the foregoing reasons, Applicant respectfully submits that all pending claims, namely Claims 14, 16-28 and 49-75, are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,



Wesley W. Whitmyer, Jr., Reg. No. 33,558  
Todd M. Oberdick, Reg. No. 44,268  
ST. ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, Connecticut 06905-5619  
(203) 324-6155  
Attorneys for Applicant